



AGENDA

Zoning Board of Appeals/Planning Commission

Tuesday, June 22, 2021, at 6:00 pm

Evans Community Complex, City Council Chambers, 1100 37th Street

ZONING BOARD OF APPEALS

1. **CALL TO ORDER:**
2. **ROLL CALL:**
Chairman: Lyle Achziger
Vice-Chairman: Kalen Myers
Commissioners: Billy Castillo
Mark LeClere
Robert S. Phillips, III
David Woolman
3. **APPROVAL OF THE MINUTES:** 05/25/2021
****Motion/Vote:**
4. **ADJOURNMENT:**
****Motion/Vote:**

PLANNING COMMISSION WORKSESSION

1. **CALL TO ORDER:**
2. **ROLL CALL:**
Chairman: Lyle Achziger
Vice-Chairman: Kalen Myers
Commissioners: Billy Castillo
Mark LeClere
Robert S. Phillips, III
David Woolman
3. **APPROVAL OF THE MINUTES:** 05/25/2021
****Motion/Vote:**
4. **MASTER PLAN UPDATE:**
Review Chapters: Culture and Education, Recreation and Tourism
Anne Best Johnson, Community Development Director
5. **OTHER ITEMS:**
6. **MOTION TO ADJOURN:**
****Motion/Vote:**



AGENDA

Zoning Board of Appeals

Tuesday, May 25, 2021, at 6:00 pm

Evans Community Complex, City Council Chambers, 1100 37th Street

ZONING BOARD OF APPEALS

1. CALL TO ORDER: -- 06:02 pm

2. ROLL CALL: -- 06:03 pm

Chairman: Lyle Achziger – present
Vice-Chairman: Kalen Myers – present
Commissioners: Billy Castillo – not present
Mark LeClere – not present
Robert S. Phillips, III – not present
David Woolman – present

3. APPROVAL OF THE MINUTES: 12/22/2020 -- 06:03 pm

****Motion/Vote: I move to approve the minutes from the 12/22/2020 Zoning Board of Appeals meeting (Achziger). Second (Woolman). Motion passes unanimously.**

4. PUBLIC HEARING: Hojio Variance, 4300 Industrial Parkway, Case No. 20-VA-02 – 06:03 pm

Anne Best Johnson, Community Development Director, for City.
Applicant present.

Anne Best Johnson reviews project via .pptx presentation (attached). Shows current setbacks versus proposed setbacks. Applicant is requesting their setbacks be roughly half as big as subdivision requires. Subdivision was platted back in the 1970s. Reviews process criteria and demonstrates how application has met the process criteria. Reviews approval criteria and demonstrates how application has met the approval criteria.

Question (Myers): What are the reasons for setbacks?

Answer: To make room for utility easements and buffer for dissimilar use on next property.

Comment (Achziger): These setbacks were set by the City. It is much easier to ask the City to relax their standards, especially from that many years ago.

Comment (Myers): The way the setbacks were done is very telling. It's almost like they didn't want this lot developed.

Applicant Rose Hojio, 4698 Kyle Drive, Greeley, Colorado, 80634.

Current owners of business have lived in Evans for 25 years and built three other buildings. We really just wanted to do something with this lot. The area isn't much to look at as it is; we would like to improve it and make it better. We plan on running our business out of this lot. Our other buildings are all rented.



Question (Woolman): Is there a landscaping plan?

Applicant: Yes, we have a landscaping architect.

City Response: Landscaping will be addressed at our next hearing on this property. This application is just for the setback variance.

No public participation – public hearing closed. **06:15 pm.**

Comment (Myers): Making improvements to the industrial park is awesome. We want to support that.

Comment (Woolman): It seems completely beneficial to me.

Comment (Achziger): I agree. Planning Commission always appreciates people who want to improve sections of the City. It is clear staff has done good research and it is applicant's right to improve their property as long as it doesn't infringe on anyone else's rights. I am in full support of it.

06:15 pm **Motion/Vote: I move to recommend approval of Resolution No. 10-2021 to City Council for their consideration (Myers). Second (Woolman). Motion passes unanimously.

5. **ADJOURNMENT: -- 06:17 pm**

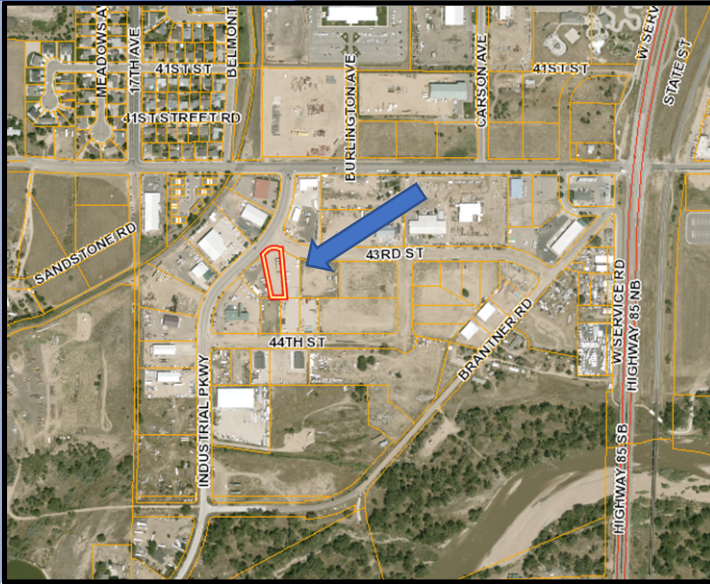
****Motion/Vote: I move to adjourn (Myers). Second (Woolman). Motion passes unanimously.**



City of
Evans, Colorado

Board of Zoning Appeals

Variance Request for H & H Excavating
May 17, 2021



Project Details

Address: **4300 Industrial Parkway**

Current Zoning: **Light Industrial**

Size: **0.58 acres**

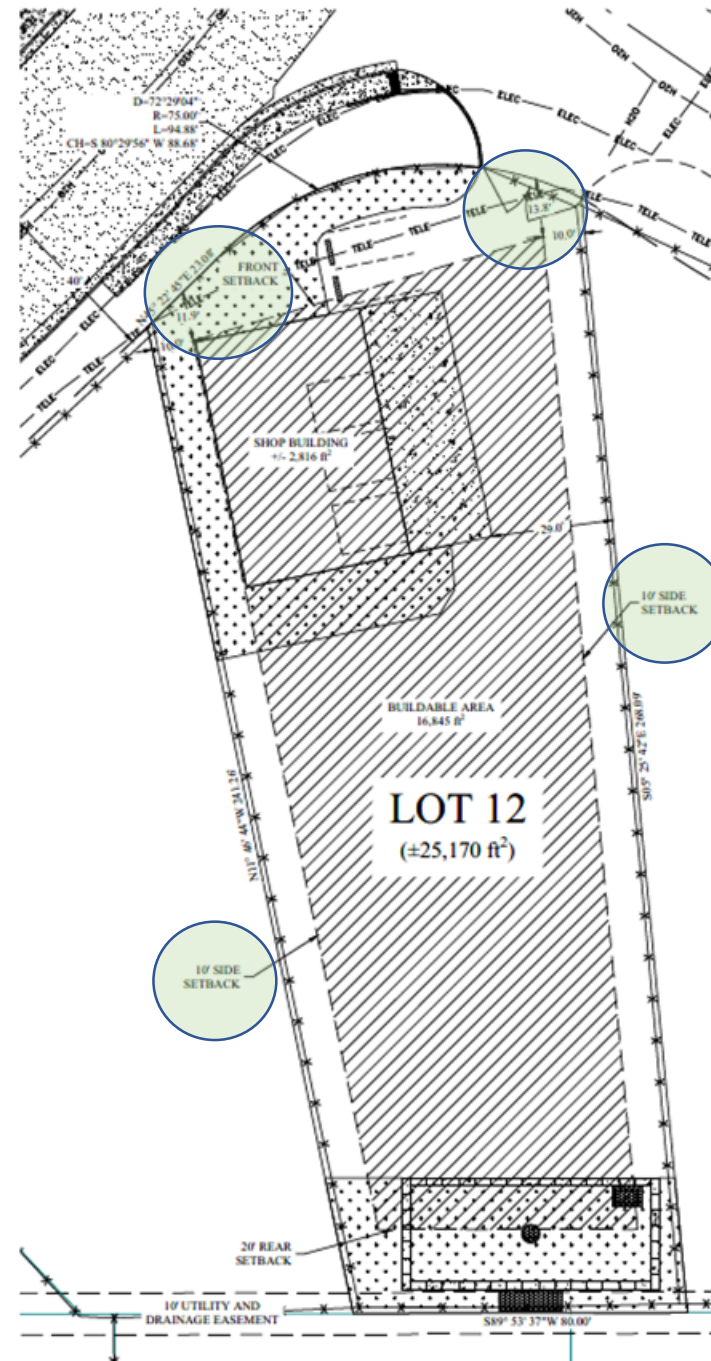
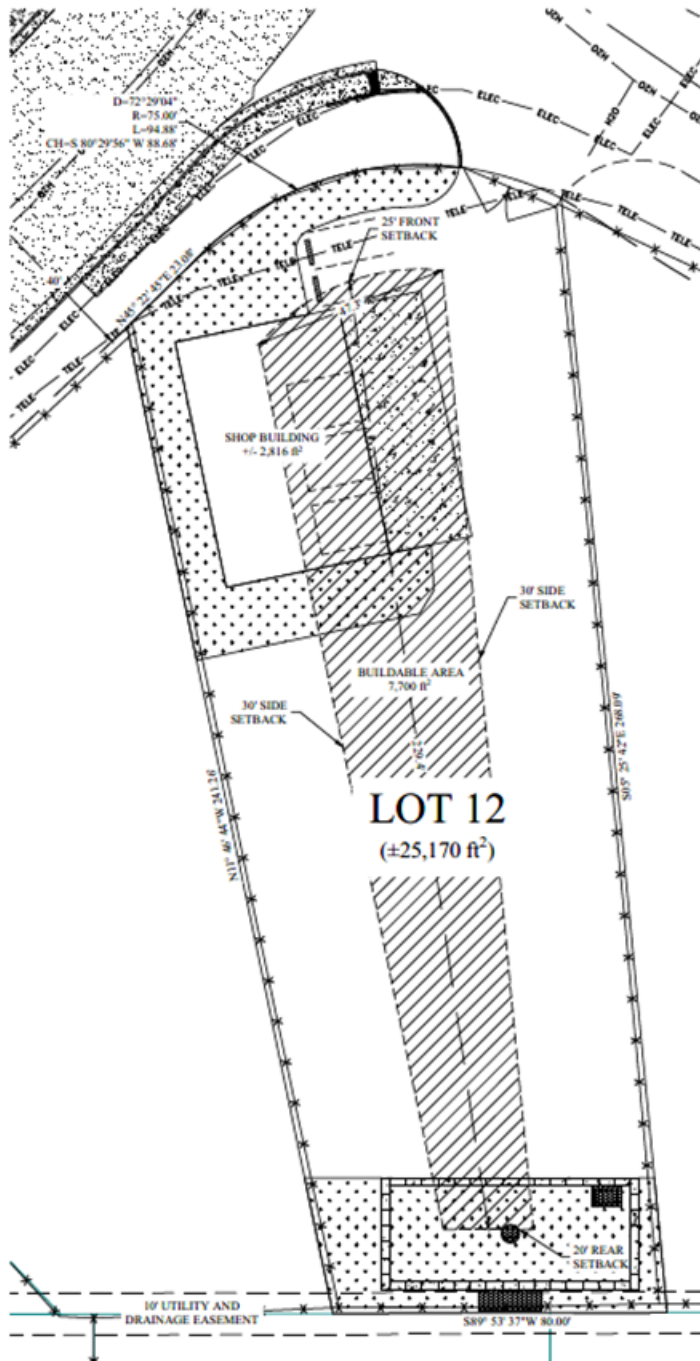


Request

Industrial I-1 Zone District
dimensional standards

Side Yard Setback: 30'
Request: 10'

Front Yard Setback: 25'
Request: 12'



Process Flow Section 18.06.100

Pre-Application

- Meetings with City Staff
- Application requirements
- Processing standards
- Review criteria
- Design standards
- Describe project

Application

- Process: 18.06.100
- Application Submittal
- Completeness Review
- Public Notice
- Referral Responses
- Development Review Team
- Staff Report

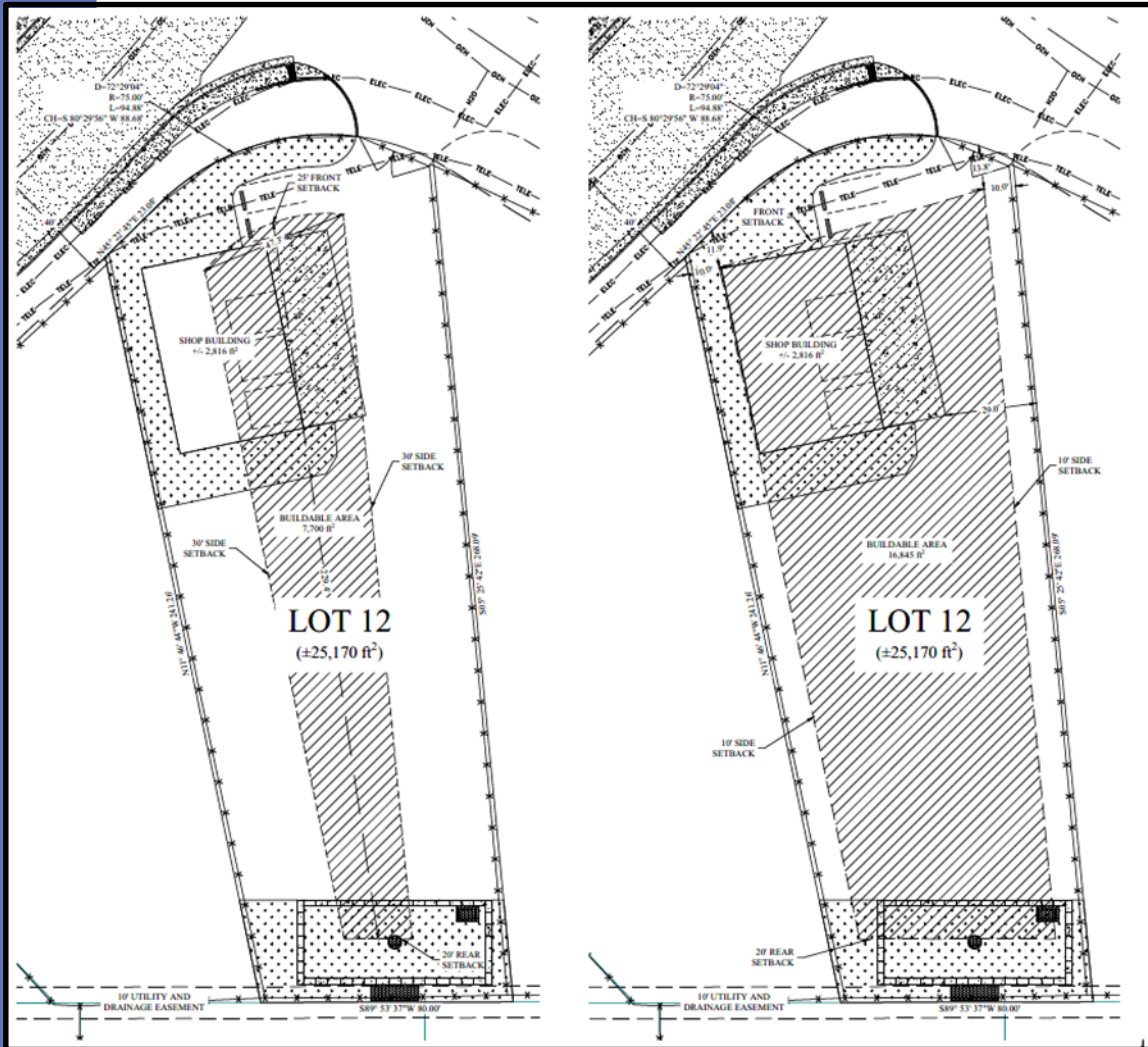
Public Notice

- 18.10.010: Public Notice
- SPO Notice
5/14/21
- Published Notice
Greeley Tribune on 5/14/20
- Sign Posted
5/14/21

Public Hearings

- Board of Zoning Appeals
5/25/21
- City Council
6/15/21

Section 18.06.100.D Criteria for Review and Approval



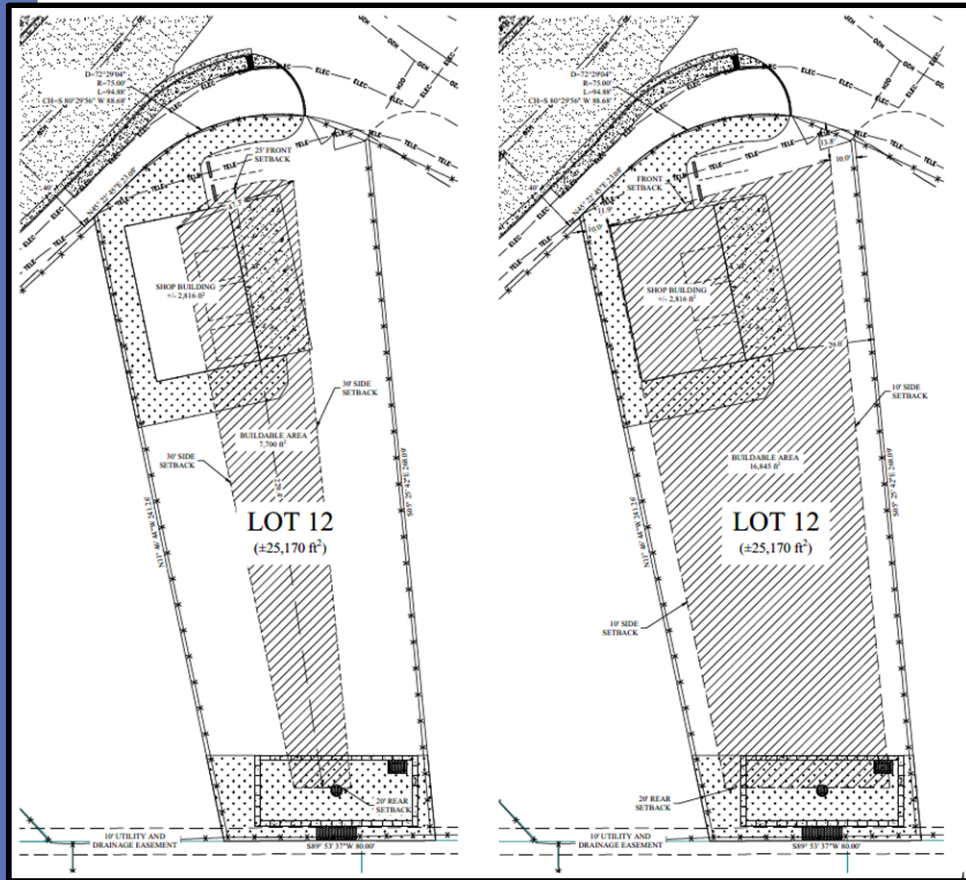
D. Criteria for a variance.

1. All of the following circumstances must be determined to be true in order to approve a variance:

- ✓ a. Approval of the variance would not jeopardize the health, safety or welfare of any person;
- ✓ b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure;

Section 18.06.100.D

Criteria for Review and Approval



c. **Literal interpretation and enforcement of the terms and provisions of this Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zoning district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following conditions apply:**

- (1) There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or
- (2) Granting the variance will not confer upon the Applicant any special privilege denied by the Evan Comprehensive Plan and the terms of this Title to other parcels, buildings or structures, in the same zone district.

d. **Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.**



AGENDA

Planning Commission

Tuesday, May 25, 2021, at 6:00 pm

Evans Community Complex, City Council Chambers, 1100 37th Street

PLANNING COMMISSION

1. **CALL TO ORDER: 06:19 pm**

2. **ROLL CALL: -- 06:19 pm**

Chairman: Lyle Achziger – present
Vice-Chairman: Kalen Myers – present
Commissioners: Billy Castillo – not present
Mark LeClere – not present
Robert S. Phillips, III – not present
David Woolman – present

3. **APPROVAL OF THE AGENDA: -- 06:20 pm**

****Motion/Vote: I move to approve the agenda for tonight's meeting (Myers). Second (Woolman). Motion passes unanimously.**

4. **APPROVAL OF THE MINUTES: 12/22/2020 – 06:21 pm**

****Motion/Vote: I move to approve the minutes from the 12/22/2020 Planning Commission Meeting (Myers). Second (Woolman). Motion passes unanimously.**

5. **PUBLIC HEARING: Hojio Special Use Permit, 4300 Industrial Parkway – 06:21 pm**

Case No. 20-USR-03

Anne Best Johnson, Community Development Director, present for City.

Anne Best Johnson reviews application via .pptx (attached). Applicant is making modest improvements to the property, outdoor storage at 46% of the site, stormwater improvements at south end of the property. Applicant will sign a development agreement with the City that outlines the details of how and when the property will be developed.

Reviews process criteria and demonstrates how application has met those requirements.

Reviews approval criteria and demonstrates how application has met those requirements.

Applicant is not present.

Question (Myers): So the open portion of the site is construction storage?

Answer: Yes, construction equipment storage. No outdoors repairs, just equipment storage.

Question (Achziger): Are the trees going to impose a hardship on the applicant because of having to establish an irrigation system?

Answer: There is no landscaping there currently and our code requires landscaping to occur. We are trying to improve the aesthetics of the area while keeping landscaping to a minimum so that it does not become burdensome.



Question (Achziger): Will the pond serve as a detention pond?

Answer: Yes. Engineering reviewed it and it meets the requirements of the City.

No public participation. Public meeting closes. **06:31 pm**

Comment (Myers): I'm excited to have some landscaping in the Industrial Park. Improvements will be on the road frontage; I think it's great.

Question (Woolman): What are the requirements on the property owner if something they plant dies?

City Response: As part of the landscaping plan, applicant has to show soil amendments as well as landscaping. If plant materials die they can come back and amend their plan. They get a vested right to use the property as approved by the City. Development Agreement states they are responsible for maintaining it the way they say they will. DA will be approved by City council and recorded.

Comment (Achziger): Improving Evans is always a good thing. This is how we work together. We accommodate people's needs the best we can within Code and within how we understand the City. This will be a good improvement.

06:34 pm **Motion/Vote: I move to recommend approval of Resolution No. 11-2021 to City Council for their consideration (Myers). Second (Woolman). Motion passes unanimously.

- A. **PUBLIC HEARING:** Baker Special Use Permit, 922 37th Street, Case No. 20-SP-10 – **06:35 pm**
Anne Best Johnson, Community Development Director for City
Applicant and representative (Engineer) are present.

Anne Best Johnson reviews application via .pptx (attached). This is the old flea market building; used to be blue but not any longer. Applicant was originally doing a Site Plan, but then they decided they wanted to expand the use into something that requires a Special Use Permit.

There will be a Site Improvements Agreement that will capture all the details and phasing of what will be done with this property over time. For example, the sidewalk area needs to be replaced. When it is replaced, then applicant will put in landscaping along that line of the property.

Reviews process criteria and demonstrates how this application met those requirements.

Reviews approval criteria and demonstrates how this application met those requirements.

Question (Myers): What do you mean by phasing? How does that work and what does Phase 1 look like?

Answer: The City does not impose phasing; we rely on applicant to propose phasing and start from there. They will have everything planted in five years. Things that are normally included in the development agreement like water and sewer connections are already done. Landscaping along the west side will be completed by 2023. North side will be completed when driveway is replaced.

Question (Achziger): Are there any conflicts with the Highway Overlay zone district?

Answer: Certain fence material is not allowed in the overlay, so applicant is replacing the chain link fence on the property (not allowed) with cedar privacy fence. And they have to upgrade the



landscaping. The building does not meet current development standards, but there is no reason to demo it.

Applicant Representative: Eric Wernsman, 1101 42nd Street, Evans, Colorado. -- **06:48 pm**

Question (Myers): What is the vision for the site?

Answer: Dan's Garage was displaced from his old property by the State of Colorado so he bought this as a place to store his cars. He might sell a car or two a year. They have an office there and he works on his cars.

Comment (Achziger): I'm kind of excited to see this place and see these cars in Evans.

Public hearing closes: **6:50 pm**

Comment (Myers): This is exciting. We'll get some landscaping and get some use out of these buildings in Evans.

Comment (Woolman): I agree. Development like this attracts new development also.

Comment (Achziger): This is a good step in a major intersection. It will do a lot to improve the look of Evans. We thank the applicant for their interest and investment in Evans.

06:51 pm **Motion/Vote: I move to approve the Special Use Permit for property located at 922 37th Street with the Conditions of Approval found in the Recommendation Section of the Staff Report (Myers). Second (Woolman). Motion passes unanimously.

B. PUBLIC HEARING: Sign Code, Case No. 20-CODE-06 – **06:53 pm**
Anne Best Johnson, Community Development Director, for City

Anne Best Johnson reviews purpose and scope of project (to bring City into compliance with the most recent Supreme Court case through a complete repeal and replace) via .pptx (attached). Sent the code proposal out to all businesses and sign companies in Evans. Following those conversations, we made some changes to our original ideas. Worked with our building staff also to make sure it made sense from that point of view.

Summary memo in your packets described what changed in the Code. We are having a Work Session with City Council next week about this.

No public comment. Public hearing closed. – **06:58 pm**

Comment (Myers): Glad to hear that staff dialogued with local businesses and sign companies.

Comment (Achziger): Thank you to staff for the discussion on this. Based on what I read in this week's packet, you took our suggestions seriously and made accommodation for them. I think this will be easier for staff to review for compliance and for the public to figure out what they are supposed to do.

07:00 pm **Motion/Vote: I move to recommend approval of the Evans Sign Code as presented and to forward a recommendation of approval to the City Council (Myers). Second (Woolman). Motion passes unanimously.

8. **MOTION TO ADJOURN: -- 07:01 pm**

****Motion/Vote: I move to adjourn this meeting (Myers). Second (Woolman). Motion passes unanimously.**

DRAFT



City of
Evans, Colorado

Planning Commission

H & H Excavating Special Use Permit

May 25, 2021



- Industrial Uses, Office
- Outdoor Storage 46% of site
- Stormwater management improvements

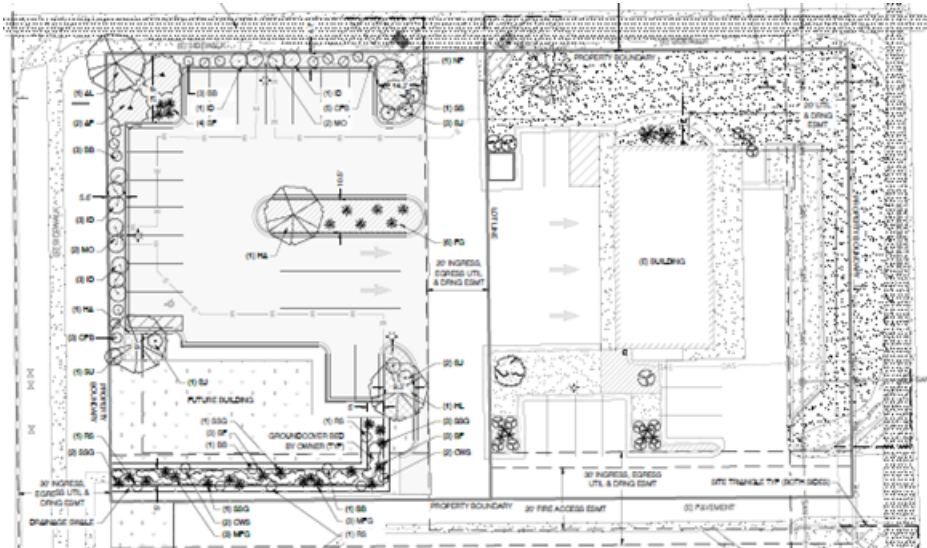
H & H Excavating

- Location: 4300 Industrial Parkway
- Zoning: Industrial, I-1
- Special Use Permit: Office, Industrial Uses (vehicle maintenance) and Outdoor Storage in excess of 10%
- Existing Access Points to remain
- Development Agreement

Process Flow Special Use Permit



Section 18.06.060.F.5 Special Use Permit Criteria for Approval



Criteria for Evaluation

- ✓ A. Unlikely to harm public health, safety, welfare
- ✓ B. Benefit to the City
- ✓ C. Consistent with the Comprehensive Plan
- ✓ D. Compatible with surrounding area
- ✓ E. Site is physically suitable
- ✓ F. Traffic and Parking does not negatively impact neighborhood
- ✓ G. No over-concentration of single use



City of
Evans, Colorado

Planning Commission

Dan's Garage Special Use Permit

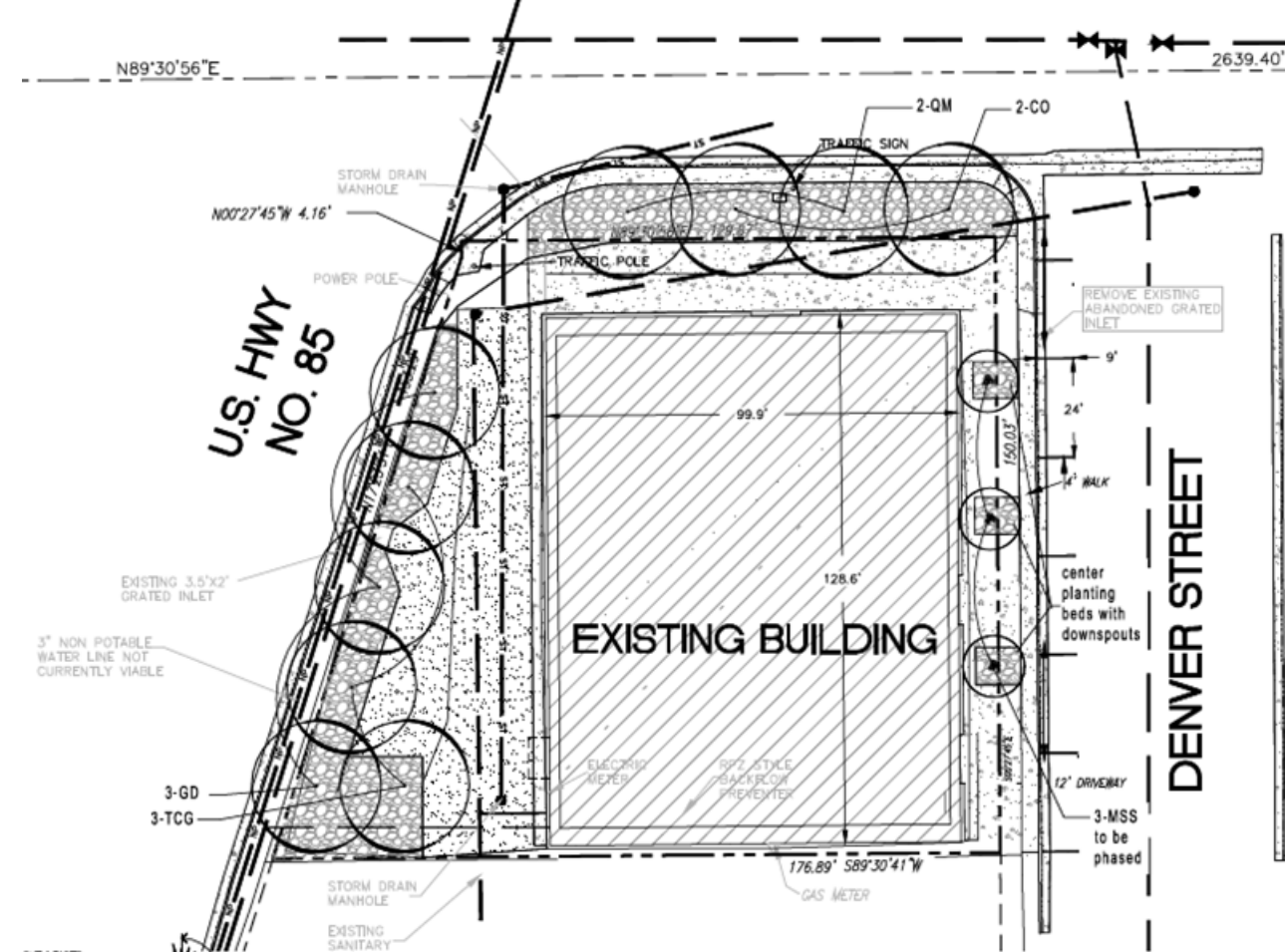
May 25, 2021



- Location: 922 37th Street
- Zoning: 85-RC-N
- Special Use Permit: Office, Motor Vehicle Sales, Outdoor Storage
- Existing Access Points to remain
- Site Improvements Agreement
- Enhancing important corner

Dan's Garage

37TH STREET (PLATTED AS NINETH STREET)



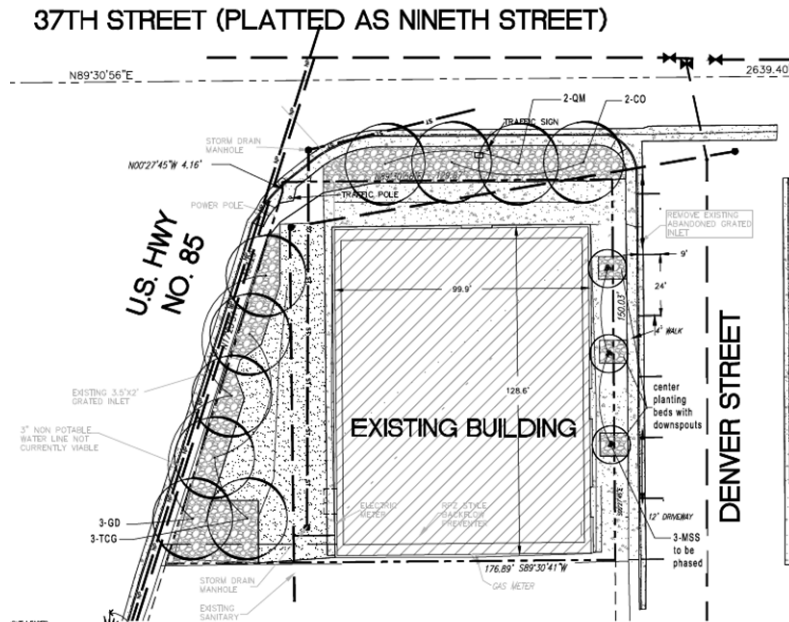
Process Flow Special Use Permit



Section 18.06.060.F.5 Special Use Permit Criteria for Approval

Criteria for Evaluation

- A. Unlikely to harm public health, safety, welfare
- B. Benefit to the City
- C. Consistent with the Comprehensive Plan
- D. Compatible with surrounding area
- E. Site is physically suitable
- F. Traffic and Parking does not negatively impact neighborhood
- G. No over-concentration of single use



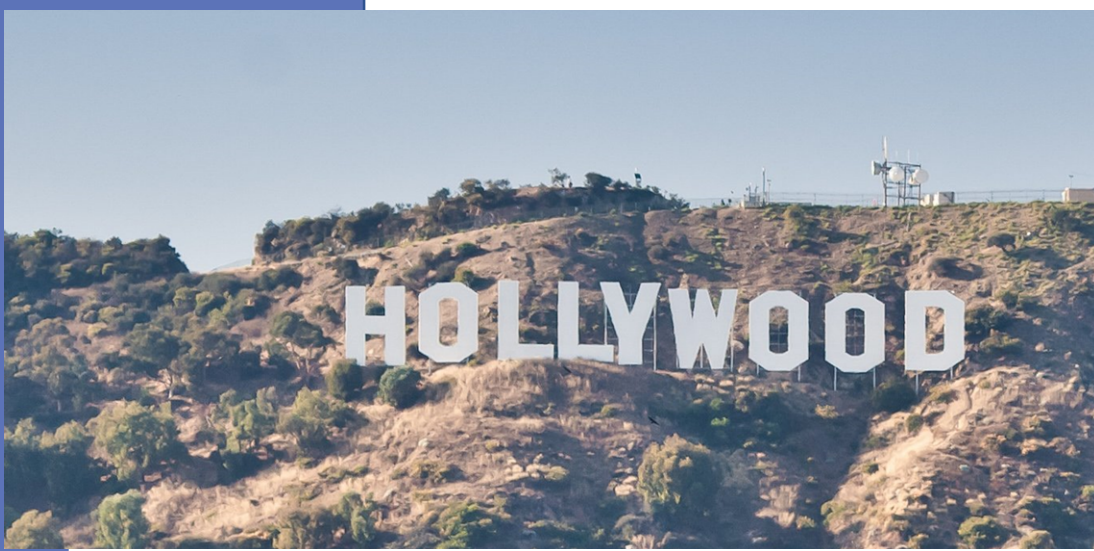


City of
Evans, Colorado

Planning Commission

Chapter 18.09: Sign Code
May 25, 2020

Repeal and Replace Chapter 18.09



- Type of sign vs. the message conveyed
- Develop a Purpose and Intent
- Content-neutral sign types
- Provide for signs exempt from permit
- Off-premise signs
- Temporary signs



Changes in addition to content neutrality

- Diagrams illustrating different sign types in the Residential and Non-Residential areas
- Square footage for temporary signs
- Electronic messaging display area square footage
- Consolidated sign types into four categories
- Amended the violation section to mirror recent changes to Chapter 1
- Provides for a Comprehensive Sign Plan option for large-scale developments



PLANNING COMMISSION WORK SESSION

AGENDA REPORT

DATE: June 22, 2021

SUBJECT: Discussion about Master Plan Culture and Education, and Recreation and Tourism Chapters

PRESENTED BY: Anne Best Johnson, Community Development Director

ITEM DESCRIPTION:

The Master Plan Steering Committee continues to make good progress on the various chapters of the Master Plan update. The next two chapters discussed with staff and the Steering Committee include Culture and Education as well as Recreation and Tourism. Having a robust portfolio of community amenities, partnerships with educational institutions, and opportunities to engage residents are important to community development and a robust future for the City of Evans. A community's amenities attract new developers to build in Evans as well as retaining residents for a 24/7 community.

Attached is the standard power point slide formatted for the themes of Culture and Education, as well as Recreation and Tourism. The Master Plan Steering Committee approved these principles and strategies at its April 13, 2021, meeting and City Council approved on June 1, 2021.

FINANCIAL SUMMARY:

There are no financial implications to the City in approving the principles and strategies for the Master Plan chapters on Culture and Education, and Recreation and Tourism.

REQUESTING FROM CITY COUNCIL:

Staff is requesting that Council review and discuss the principles and strategies to be integrated into the Master Plan. Upon direction by Council, the Master Plan consulting group will prepare the final narrative.

ATTACHMENTS:

- City Council Presentation slide deck